

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION

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IN RE:

Chapter 11

CORNELL ST HEMPSTEAD LLC

Case No.: 8-20-71624-AST

NOTICE OF MOTION

Debtor,
-----X

PLEASE TAKE NOTICE: that upon the Affirmation of Seth D. Weinberg, Esq. an attorney associated with the firm of Hasbani & Light, P.C., attorneys for Cornell St. Hempstead LLC (“Movant”), the debtor, dated September 10, 2020, a motion will be made before the Honorable Alan S. Trust on the 7th day of October 2020 at 10:00 AM (the “Hearing Date”), at the Eastern District Bankruptcy Court located at The United States Bankruptcy Court for The Eastern District of New York – Alfonse M. D’Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, of that day or as soon thereafter as counsel can be heard for entry of an Order dismissing the instant bankruptcy pursuant to Bankruptcy Code §§ 105(a) and 1112(b).

PLEASE TAKE FURTHER NOTICE: that objections, if any, to the relief requested shall be in writing, shall state with particularity the grounds for the objection, shall be filed with the Clerk of the Bankruptcy Court and served upon the undersigned counsel seven days prior to the Hearing Date.

Dated: New York, New York
September 17, 2020

HASBANI & LIGHT, P.C.

By: /s/ Seth D. Weinberg
Seth D. Weinberg, Esq.
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New York, New York 10123
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Email: sweinberg@hasbanilight.com

*Counsel for Debtor Cornell St. Hempstead
LLC*

To: **VIA CM/ECF**
U.S. Department of Justice
Office of the U.S. Trustee
Christine H. Black - Assistant U.S. Trustee
560 Federal Plaza, Rm 560
Central Islip, New York 11722

LAMONICA HERBST & MANISCALCO LLP
Salvatore LaMonica, Esq.
Sub Chapter V Trustee
3305 Jerusalem Avenue, Ste 201
Wantagh, New York 11793

ALDRIDGE PITE, LLP
Janelle C. Arnold, Esq.
Counsel for Creditor Specialized Portfolio Servicing, Inc.
4375 Jutland Drive, Ste 200
San Diego, California 92117

UNITED STATES BANKRUPTCY COURT
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IN RE:

Chapter 11

CORNELL ST HEMPSTEAD LLC,

Case No.: 8-20-71624-AST

Debtor,
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**AFFIRMATION IN SUPPORT OF MOTION FOR AN ORDER TO DISMISS
PURSUANT TO BANKRUPTCY CODE §§ 105(a) AND 1112(b)**

Seth D. Weinberg, Esq. the undersigned, an attorney duly admitted to practice before this Court, affirms under penalty of perjury as follows:

1. I am an attorney with Hasbani & Light, P.C., attorneys for the debtor Cornell St. Hempstead LLC (the “Movant” or “Cornell St” or “Debtor”), and as such I am fully familiar with the facts and circumstances of this case.

2. I make this Affirmation in Support of the Debtor’s motion for an Order dismissing this case pursuant to Bankruptcy Code §§ 105(a) and 1112(b).

BACKGROUND

3. On March 13, 2020, Cornell St filed a voluntary petition under Chapter 11, Subchapter V of the Bankruptcy Code and schedules and supplements. *See* ECF Dkt. No.: 1.

4. On March 16, 2020, Salvatore LaMonica was appointed Sub Chapter V Trustee (the “Sub V Trustee”). *See* ECF Dkt. No.: 2.

5. On August 12, 2020, Jenelle C. Arnold filed a notice of appearance on behalf of secured creditor Select Portfolio Servicing, Inc. (“SPS”). *See* ECF Dkt. No.: 39.

6. On August 24, 2020, the undersigned filed a letter expressing Debtor’s intention to dismiss the underlying bankruptcy matter. *See* ECF Dkt. No.: 24.

RELIEF REQUESTED

7. By this Motion, the Debtor requests entry of the Order, substantially in the form annexed hereto as **Exhibit A**, pursuant to sections 105(a) and 1112(b) of the Bankruptcy Code and Bankruptcy Rule 1017(a), dismissing the Chapter 11 Case and granting such other and further relief as requested herein or as the Court otherwise deems necessary or appropriate. Both the U.S. Trustee and the Sub V Trustee have advised Debtor's counsel that it does not oppose the relief requested herein.

BASIS FOR RELIEF

8. The instant bankruptcy matter should be dismissed because the parties have consented to dismissal. An adjudication should be vacated and a petition withdraw when all parties consent. *See In re Rose*, 86 B.R. 439, 442 (Bankr. E.D. Pa. 1988) *quoting In re Riordan*, 95 F.2d 454 (7th Cir. 1938).

9. Here, the U.S. Trustee and the Sub V Trustee consented the dismissal of the instant bankruptcy prior to the submission of this motion. Additionally, counsel for the sole creditor, has not imposed opposition to this motion.

NO FURTHER REQUEST

10. No prior motion for the relief requested herein has been made to this or any other court.

NOTICE

11. Notice of this Motion has been provided to: (a) the Office of the U.S. Trustee; (b) the Office of the Sub V Trustee and all creditors (including the Petitioning Creditors).

CONCLUSION

12. For the foregoing reasons, the Debtor respectfully requests that the Court enter the Proposed Order substantially in the form attached to this Motion as **Exhibit A** and grant any additional relief the Court deems appropriate.

WHEREFORE, it is respectfully requested that this Court enter an Order i) valuing the collateral pursuant to 11 U.S.C. § 506, Bankruptcy Rule 3012, and ii) for any additional relief that this Court deems appropriate.

Dated: New York, New York
September 10, 2020

HASBANI & LIGHT, P.C.

/s/ Seth D. Weinberg
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